

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROBERT SHARON,

Plaintiff,

v.

MIKE CHERY, et al.,

Defendants.

Civil Action No. 15-7130

ORDER

ARLEO, UNITED STATES DISTRICT JUDGE

THIS MATTER comes before the Court on Plaintiff Robert Sharon's ("Plaintiff") motion for final judgment by default against Defendants Mike Chery and Annia J. Charles ("Defendants") pursuant to Federal Rule of Civil Procedure 55(b), Dkt. No. 7;

and it appearing that Plaintiff's submissions for this motion consist of a notice of motion, a proposed order, and an Affidavit of Claudia A. Costa that conclusorily explains service and damages, see Dkt. Nos. 7, 8;

and it appearing that the Local Rules require a party to submit a brief containing arguments of fact and law in support of its motion, L.Civ.R. 7.1(d)(1), or "a statement that no brief is necessary and the reasons therefor," L.Civ.R. 7.1(d)(4);

and it appearing that Plaintiff has done neither, and has therefore not complied with the Local Rules, see, e.g., Roy v. Ramsey Moving Sys., No. 15-3330, 2016 WL 1163932, at *4 n.2 (D.N.J. Mar. 23, 2016) (noting that "[b]ecause Plaintiff's [motion for default judgment] contains no legal argument and is [] unaccompanied by a separate brief or statement that no brief necessary, it violates Loc. Civ. R. 7.1(d) and may be denied that basis alone"); Developers Sur. & Indem.,

Co. v. NDK Gen. Contractors, Inc., No. 06-0086, 2007 WL 542381, at *2 (D.N.J. Feb. 15, 2007) (denying motion for default judgment for failure to file a brief as required by L.Civ.R. 7.1(d)(1));

and it further appearing that Plaintiff has not provided sufficient proof of damages,¹ in particular because Plaintiff has not attached the underlying Note and Mortgage, see, e.g., Sun Nat'l Bank v. Seaford Specialty Surgery Ctr., LLC, No. 13-5800, 2016 WL 6154894, at *2 (D.N.J. Oct. 20, 2016) (noting that the Court had denied a previous application for default judgment because “Plaintiff failed to attach the relevant loan and guaranty agreements”); Mapssy Int'l, Inc. v. Hudson Valley Trading Inc., No. 08-3037, 2012 WL 4889229, at *6 (D.N.J. Oct. 11, 2012) (denying motion for default judgment because plaintiff had “not submitted documentation to support” its damages figures);

IT IS, on this 22nd day of November, 2016,

ORDERED that Plaintiff's motion for default judgment is **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that Plaintiff shall file a revised motion for default judgment within **thirty days** of this Order.

/s/ Madeline Cox Arleo
MADELINE COX ARLEO
United States District Judge

¹ Although the facts pled in the Complaint are accepted as true for the purpose of determining liability, the plaintiff must prove damages. Comdyne I, Inc. v. Corbin, 908 F.2d 1142, 1149 (3d Cir. 1990).